

109TH CONGRESS
1ST SESSION

S. 900

To reinstate the Federal Communications Commission's rules for the
description of video programming.

IN THE SENATE OF THE UNITED STATES

APRIL 26, 2005

Mr. MCCAIN (for himself, Mr. HARKIN, Mr. STEVENS, and Mr. SMITH) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To reinstate the Federal Communications Commission's rules
for the description of video programming.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Television Information-
5 Enhancement for the Visually Impaired Act” or the “TIVI
6 Act”.

7 **SEC. 2. FINDINGS.**

8 The Congress finds the following:

1 (1) The Federal Communications Commission
2 promulgated video description rules that became ef-
3 fective in April of 2002.

4 (2) Those video description rules were con-
5 sistent with a long line of policies pursued by the
6 Commission and the Congress to enhance access to
7 telecommunications technology, news, entertainment,
8 and information for all Americans.

9 (3) The video description rules required major
10 networks and cable channels in the top 25 markets
11 to present at least 4 hours of described program-
12 ming per week and required such service in other
13 markets where equipment was available to provide
14 video description.

15 (4) The Commission's video description rules
16 were struck down by a court decision citing lack of
17 authority for the Commission to promulgate such
18 rules.

19 (5) The public interest would be served by clari-
20 fying the Commission's authority to promulgate such
21 rules and the intent of Congress that such rules be
22 restored.

23 **SEC. 3. REINSTATEMENT OF VIDEO DESCRIPTION RULES.**

24 (a) RULES REINSTATED.—The video description
25 rules of the Federal Communications Commission con-

1 tained in the report and order identified as Implementa-
2 tion of Video Description of Video Programming, Report
3 and Order, 15 F.C.C.R. 15,230 (2000), shall, notwith-
4 standing the decision of the United States Court of Ap-
5 peals for the District of Columbia Circuit in Motion Pic-
6 ture Association of America, Inc., et al., v. Federal Com-
7 munications Commission, et al. (309 F. 3d 796, November
8 8, 2002), be considered to be authorized and ratified by
9 law.

10 (b) CONTINUING AUTHORITY OF COMMISSION.—The
11 Federal Communications Commission—

12 (1) shall, within 45 days after the date of en-
13 actment of this Act, republish its video description
14 rules contained in the report and order identified as
15 Implementation of Video Description of Video Pro-
16 gramming, Report and Order, 15 F.C.C.R. 15,230
17 (2000);

18 (2) may amend, repeal, or otherwise modify
19 such rules; and

20 (3) shall initiate a proceeding within 180 days
21 after the date of enactment of this Act to consider
22 whether it is economically and technically feasible
23 and consistent with the public interest to include ac-
24 cessible information in its video description rules.

1 (c) ACCESSIBLE INFORMATION DEFINED.—In this
2 section, the term “accessible information” may include
3 written information displayed on television screens during
4 regular programming, hazardous warnings and other
5 emergency information, local and national news bulletins,
6 and any other information the Commission deems appro-
7 priate.

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